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at 3 p.m.
New York

SUMMARY RECORD OF THE 13th MEETING

Chairman: Mr. VILCHEZ ASHER (Nicaragua)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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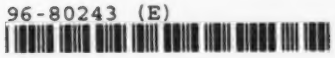

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 116: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997 (continued) (A/50/6/Rev.1 (Vol. I and II), A/50/7 and A/50/16)

First reading (continued)

Section 3. Peace-keeping operations and special missions

Section 4. Outer space affairs

Section 5. International Court of Justice

Section 6. Legal activities

1. The CHAIRMAN invited the Controller to respond to the questions raised and observations made at the previous meeting with regard to section 3 of the proposed programme budget for 1996-1997.

Section 3. Peace-keeping operations and special missions

2. Mr. TAKASU (Controller) said that the General Assembly had been considering the question of the establishment of backstopping posts for peace-keeping operations and special missions for over a year. As part of that process the Secretary-General, with the assistance of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the Fifth Committee, had defined backstopping functions, classifying them as "core" or "non-core". While peace-keeping operations might vary in number and size, the consensus was that, generally speaking, such operations would continue for many years. In response to that need, the United Nations should have a permanent infrastructure to ensure the performance of core functions for those operations, functions which should be financed under the regular budget. Backstopping functions that fluctuated with the size and number of operations would continue to be funded from the support account.

3. After determining each core function individually, a comparison had been made between the number of posts needed to perform those functions and the number of posts which were actually being financed under the regular budget. There was a consensus that the Department of Peace-keeping Operations lacked the necessary posts to carry out core functions: just 34 Professional and 28 General Service staff. To fill that gap, it had been proposed to redeploy to the regular budget those posts involving the performance of core functions which were funded from the support account.

4. With reference to the proposal made by some delegations to transfer already abolished posts or those which were to be abolished, he noted that once abolished, a post could not be transferred; posts which had not yet been abolished could be transferred provided that such posts involved functions which were very similar to those being carried out in the context of peace-keeping operations.

5. On the question of the appropriate balance between Professional and General Service staff, he indicated that he could provide more information to those interested, since it was a question which merited careful consideration. Basically, it was unfair to say that there were too many General Service staff because many of them provided non-secretarial services, in areas such as security, trades and crafts, administration, statistics, procurement, telecommunications, conference/meetings servicing, library/records and research.

6. The budget included only those estimates of expenditure in respect of special missions that corresponded to legislative mandates. Some years earlier, when the Secretary-General had proposed that appropriations should be made to cover unforseen expenditure arising in connection with missions whose legislative mandates would be established ex post facto, the General Assembly had not endorsed the proposal. At the current session the Fifth Committee would be receiving various proposals for financing and revised estimates submitted in connection with legislative mandates. In that context, the Secretary-General would be proposing, at the current session, the strengthening of functions relating to peace-keeping and good offices.

7. With regard to more specific questions, he noted that in paragraph 3.6 of section 3 of the proposed budget, the expression "power of enforcement" referred to resolutions adopted by the Security Council in which it authorized the use of force if such action was needed to safeguard humanitarian assistance activities, in operations such as those in Somalia, Rwanda and the former Yugoslavia.

8. Concerning the delimitation of functions between the Department of Political Affairs (DPA) and the Department of Peace-keeping Operations (DPKO), the latter managed the day-to-day functioning of peace-keeping operations, the submission of reports and contacts with missions. The mandate of the Department of Political Affairs was more clearly related to maintenance of the peace, preventive diplomacy and disarmament; nevertheless, its contributions were valuable to the Department of Peace-keeping Operations when it was formulating its final recommendations to the Security Council.

9. With regard to the military personnel provided by Member States for operations, at no cost to the Organization, the Secretariat would be submitting to the General Assembly, at its request, a report on the question. Such personnel did not carry out core functions or occupy supervisory posts in the Department of Peace-keeping Operations, but, rather, provided support for staff carrying out non-core functions in the event of a sudden increase in activity.

10. With respect to the concern expressed regarding the use of regular budget posts for special missions not funded under the regular budget, there seemed to be some misunderstanding since special missions were always financed under the regular budget, or as a contingency in an emergency situation. Special envoys were sometimes funded by means of the temporary transfer of Secretariat officials occupying posts funded under the regular budget. For the purposes of the budget, however, those special envoys were not financed from the appropriation of the department from which they had been transferred.

11. The CHAIRMAN said that he took it that the Committee had completed the first reading of section 3 of the proposed programme budget for the

biennium 1996-1997 and wished to refer that section to informal consultations for further consideration and appropriate action.

Section 4. Outer space affairs

12. The CHAIRMAN said that he took it that the Committee had completed the first reading of section 4 of the proposed programme budget for the biennium 1996-1997 and wished to refer that section to informal consultations for further consideration and appropriate action.

Section 5. International Court of Justice

13. Mr. DJACTA (Algeria) said that he wished to stress the importance of the work of the International Court of Justice, which should be provided with the resources which were necessary to its functioning. His delegation did not support the recommendation of the Advisory Committee to reduce the estimates for telephone calls and travel; in its view, the work of the Court required such resources. Two years earlier, a study had been made of the conditions of work of the Judges of the Court and the possibility of increasing their remuneration, which was fully justified in light of the independence and autonomy which they needed to perform their functions and the increasing complexity of the world situation. His delegation reserved the right to return to the subject at a later time.

14. Ms. ALMAO (New Zealand), also speaking on behalf of Australia and Canada, said that she was not persuaded that the 5.5 per cent cut in the appropriation for the International Court of Justice recommended by the Advisory Committee was fully justified. In particular, the 22 per cent reduction in funds for long distance telephone calls seemed unduly harsh, especially in view of the fact that in 1994-1995 the Court had had before it 13 cases, an unprecedented number, and that at least that many were scheduled for consideration during the upcoming biennium. She was not convinced that such a drastic reduction in the communications budget was necessary and did not wish to see the performance of the Court adversely affected by any lack of operating funds. The recommendations of the Advisory Committee on that matter should, therefore, be carefully reviewed.

15. Mr. KUZNETSOV (Russian Federation) agreed with the Advisory Committee's recommendations and observations and, in particular, the attention it focused on the possibility of establishing a mechanism whereby the International Court of Justice and the International Tribunal for the Former Yugoslavia, which also sat at The Hague, could share the financing of administrative and operational costs. He was also gratified by current negotiations on how the organs could share the use of equipment and the library. He asked the Secretariat to supply his delegation with further information regarding the viability of establishing a joint operational and services structure shared by the Court and the International Tribunal.

16. Regarding the proposal that telephone bills should be reduced, he said that, while recognizing that the nature of the Court's work entailed numerous telephone calls and facsimile messages, he considered that the reduction recommended by the Advisory Committee was very limited; after considering

additional information, his delegation would be prepared to request an even larger reduction.

17. Mr. HALBWACHS (Director of the Programme Planning and Budget Division) said that during the informal consultations statistics would be presented regarding the volume of work justifying the resources proposed by the Secretary-General for general temporary staff. As the representative for New Zealand had indicated, the level of communications expenditure depended on the nature and number of cases dealt with by the Court during a given biennium. Since no reduction was anticipated in the case-load during the present biennium in comparison to the previous biennium, the resources proposed by the Secretary-General were fully justified.

18. Mr. TOYA (Japan) agreed with the opinions expressed by the representative of New Zealand. He was not convinced by the Advisory Committee's recommendations regarding reduction of communications expenditure. For reasons that Japan failed to understand, the Advisory Committee had also rejected the conversion of three General Service temporary posts to established posts and the continuation of four temporary posts. The requests should be considered individually; Japan wished to discuss the issue in greater depth during the informal consultations.

19. Mr. ODAGA-JALOMAYO (Uganda) said that he agreed with the Advisory Committee that sufficient justification did not exist for enlarging the premises of the International Court of Justice.

20. His delegation shared the Russian Federation's interest in the status of negotiations concerning planned joint administrative arrangements between the Court and the International Tribunal for the former Yugoslavia. Savings could be made if the two organs shared equipment and library services. In that connection, he agreed that portable computers should be purchased. He shared the Advisory Committee's hope that such equipment would not be underutilized, as appeared to be the case in some peace-keeping operations. He reserved the right to return to the matter at a later date.

Section 6. Legal activities

21. Ms. ALMAO (New Zealand) agreed with the Secretary-General and the Advisory Committee that law firms and libraries should pay to receive the Yearbook of the United Nations Commission on International Trade Law, and urged the Secretariat to fix an appropriate subscription fee.

22. Mrs. BUERGO (Cuba) was concerned by the 6.5 per cent reduction in resources requested for the Office of Legal Affairs, since delivery of the Office's programmes and activities, to which her delegation attributed great importance, might be affected.

23. Regarding subprogramme 1, Overall direction, management and coordination of legal advice and services to the United Nations as a whole, of programme 1, International law, her delegation considered the subprogramme's concentration on the legal aspects of peace-keeping operations and on the political activities of the Organization to be excessive. In addition, she wished to know how the

Secretariat proposed to coordinate the Office's international cooperation activities with those of the Department of Peace-keeping Operations in such a way as to avoid duplication. In connection with international cooperation activities, she requested further information on general legal advice and services, on substantive services for meetings, on the provision of legal advice, studies and analysis on specific legal issues of a public international law nature and, in connection with technical services for meetings on the provision of secretariat services to organs and bodies dealing with subject-matters falling within the competence of the Office of the Legal Counsel, and particularly to the Committee on relations with the Host Country.

24. In connection with subprogramme 5, Progressive harmonization and unification of the law of international trade, she pointed out that the description of activities for promoting legal instruments mentioned "newly independent 'reform States' whose economies are in transition". In the budget, she wished to see greater uniformity in the term used to refer to that group of countries, which the Second Committee had agreed to call "countries with economies in transition".

25. Mr. DJACTA (Algeria) shared the Cuban representative's concern that the reduction in the resources requested for the Office of Legal Affairs might affect implementation of its activities, and he requested that an organizational chart be provided indicating the nationality of all Office personnel in the Professional category.

26. Mr. TAKASU (Controller) said that, although the total resources requested were lower than for the 1994-1995 biennium, the latter included non-recurrent expenditure which would not be repeated during the 1996-1997 biennium. The elimination of the Division of Ocean Affairs and the Law of the Sea at Kingston was based on the assumption that the International Seabed Authority would have its own budget. Despite the overall reduction in resources requested, the United Nations Treaty Information System (UNTIS) in the Treaty Section had been enhanced and a post had been added in the General Legal Division.

27. Regarding the relationship between the Office of Legal Affairs and other Secretariat units, he said that the Office provided legal advice on all questions about which it was consulted. Since it was the only unit engaging in such functions, no possibility existed of duplication of activities. A particularly large number of matters requiring legal advice tended to arise in connection with peace-keeping activities, such as agreements regarding the status of forces and contracts with suppliers.

28. Mr. SERME (Burkina Faso) said, on the subject of the Kingston Office, that the International Seabed Authority Council had not yet been established and that therefore it was not possible to speak of a separate budget for that Authority.

29. Mr. TAKASU (Controller) said that, when the proposed budget had been drawn up, it had been anticipated that the States parties to the United Nations Convention on the Law of the Sea would designate a Secretary-General for the Authority, who would draw up a separate budget for it. However, the States parties had been unable to finalize their work at the meeting in August 1995 and had not made the appointment. Consequently, they had asked the Secretary-

General of the United Nations to prepare the budget, which would be submitted at the appropriate time.

30. The CHAIRMAN said that it was his understanding that the Committee had concluded the first reading of section 6 of the proposed programme budget for the biennium 1996-1997, and decided to refer it to the informal consultations for further examination and option of appropriate measures.

ORGANIZATION OF WORK

31. The CHAIRMAN said that he had received communications from Mr. Mohamed Oummih, President of the Coordinating Committee for Independent Staff Unions and Associations (CCISUA), and Mr. Wayne R. Dixon, President of the Federation of International Civil Service Associations (FICSA), requesting an opportunity to address the Committee on item 121 of the agenda, "United Nations common system". If there were no objections, in accordance with the practice followed at previous sessions, he would take it that the Committee wished to invite the representatives of CCISUA and FICSA to speak on item 121.

32. It was so decided.

The meeting rose at 4.10 p.m.